IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :15442 of 2007

DATED:20.07.2007.

Between:
Govt of A.P. rep by its Principal Secretary, Revenue Dept, Secretariate buildings, Hyderabad & another

.....PETITIONERs

AND

E.S.S.Kumar, Inspector of Excise (prohibition and Excise)

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:15442 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitionera seeking to call for the records pertaining to the order dated 29.12.2005 passed in O.A.No:1934/2005 by the A.P. Administrative Tribunal and set aside the same as unjust.

The respondent is the applicant before the tribunal. Originally, the applicant has filed O.A. seeking to declare the G.O.Ms.No:249, Revenue (Vig.5) Department, dated 10.3.2004 as arbitrary and to set aside the same along with enquiry report of the T.D.P. and to direct the respondents to issue all consequential benefits of service and arrears of pay as per law.

On the O.A. filed by the applicant, the tribunal having observed that there is no direct evidence with respect to the receipt, recovery and tests against the applicant and as such, the presumptions as drawn by the T.D.P. cannot be accepted on the ground that the same are on surmises and suspicion and therefore, the report of the tribunal for disciplinary proceedings, cannot be sustained in the eye of law, allowed the O.A. setting aside the G.O.Ms.No:249, dated 10.3.2004. Having aggrieved by the same, the present writ petition is filed by the respondents-petitioners.

Heard the learned counsel.

We have perused the entire material available on record as

well as the order impunged.

It goes to show that after conducting the enquiry, the tribunal for disciplinary proceedings submitted a report on 18.1.2003 observing that though the money said to have been paid as bribe was recovered from one Someswararao, the Accountant, it was meant for the applicant only and therefore, he was guilty for the charge solely relying upon the testimony of P.w.3. From this, it can easily be inferred that the findings of the tribunal for disciplinary proceedings have been based on mere surmises and conjectures as rightly observed by the tribunal. There is also no iota of evidence as to the receipt of money, recovery of the same and the tests in so far as the applicant is concerned as rightly observed by the tribunal.

In this view of the matter, We have no hesitation to hold that the order impugned herein, needs no interference by this Court. We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

Date:20th July, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:15442 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

20th July, 2007.